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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE <sup>UP 180</sup>

Applicants : John J. Toole, Jr.  
Serial No. : 010,085  
Filed : April 11, 1986  
For : NOVEL PROCOAGULANT PROTEINS  
Art Unit: 185  
Examiner: R. Teskin

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

April 7, 1989

DECLARATION OF PATRICIA MURTHA

I, Patricia Murtha, declare that:

1. I am an employee of Genetics Institute, the assignee of the above-mentioned patent application. I have been an employee of Genetics Institute since 1983, in the capacity of Assistant Scientist.
2. Chinese Hamster Ovary (CHO) cells containing amplified copies of DNA encoding a human Factor VIII:C protein lacking 880 amino acids from the region spanning the B domain (LA-2) were prepared by me and were in the possession of Genetics Institute at 87 CambridgePark Drive, Cambridge, Massachusetts since before April 11, 1986. Those cells were designated LA 3-5. Their preparation is described in Example 4(B) of the subject patent application.
3. Vials of those cells frozen down in liquid nitrogen have been stored in Kaufman Tank #6 located in the corridor of the second floor at 87 CambridgePark Drive.
4. One of the vials was removed from the tank and was thawed. The cells were cultured and the culture expanded for deposit in the American Type Culture Collection (ATCC).

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5. On April 6, 1989 a number of ampules of the cells were packaged on dry ice and sent to the ATCC via Federal Express.

6. I was informed by David L. Bernstein, a patent attorney at Genetics Institute, that on April 7, 1989 the ATCC called Mr. Bernstein with the accession number of the deposit and the deposit date as follows: CRL 10101, deposited April 7, 1989.

7. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine, imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of this application or any patent issuing thereon.

Dated: April 7, 1989

Signed: Patricia Murtha  
Patricia Murtha

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